



No. 50

November 7, 2003

S. 1585/H.R. 2799 – Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2004

Calendar No. 266

S. 1585 was reported as an original bill from the Committee on Appropriations on September 5, 2003, by a vote of 29-0; S. Rept. 108-144.

NOTEWORTHY

- S. 1585 recommends \$40.37 billion in new budget authority for FY2004. This is \$142 million less than the FY2003 amount for the departments and agencies funded by this bill, and it is \$859 million below the budget estimate.
- All of the bill's titles except Title II (Commerce and Related Agencies) come in below the Administration's request. Justice programs are funded at \$423 million below the request (the FBI is funded at \$3.93 billion, compared to \$4.64 billion requested). The Department of State receives \$608 million less than the request. The Judiciary is funded at \$353 million below the request. Commerce programs are funded at \$535 million above the request (but the Census Bureau will receive \$111 million less than requested, and the Patent and Trademark Office is funded at \$178 million below the request).

Highlights

Totals, by title, are provided below:

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, FY 2004

(Dollars in thousands)

Appropriation Account	FY 2003 Level	Budget Estimate	Senate Committee Recommendation
Title I, Justice Department, Related Agency	19,647,551	19,004,609	18,581,527
Title II, Commerce Dept., Related Agencies	5,812,753	5,833,887	6,369,146
Title III, Federal Judiciary	4,889,971	5,430,009	5,076,665
Title IV, State Department, Related Agency	8, 178, 626	8,644,242	8,030,612
Title V, Related Agencies	2,153,248	2,416,261	2,378,456
Title VII, Rescissions	-167,324	-97,000	-63,498
Totals (Titles I-V)	40,682,149	41,534,908	40,436,406

The Committee bill provides funding to support —

— The **Department of Justice (\$18.58 billion)** and its component agencies, such as the Federal Bureau of Investigation and the Drug Enforcement Administration;

— The **Department of Commerce and related agencies (\$6.37 billion)**, of which \$3.78 billion supports the National Oceanic and Atmospheric Administration (NOAA);

— The **Federal Judiciary (\$5.08 billion)**;

— The **Department of State and Broadcasting Board of Governors (\$8.03 billion)**, including contributions for United Nations organizations and international peacekeeping. The largest component of this amount is for the Department’s Administration of Foreign Affairs (\$6.0 billion). The Committee did not recommend nor include funding for the U.S. share of costs associated with the U.N. Human Rights Commission (approximately \$11.7 million) or for the United Nations Educational, Scientific, and Cultural Organization (UNESCO), which the Administration announced in 2002 that it would rejoin. *(Note: The House has included funding for UNESCO at the President’s requested level, and Chairman Gregg has indicated his willingness to also fund the President’s request for UNESCO).*

— The bill also blocks the Federal Communications Commission from increasing its national television ownership limit. No funding will be permitted for any broadcast license transfer that would result in one company being able to reach more than 35 percent of homes.

Bill Provisions

Title I — Department of Justice and Related Agency

The Committee bill provides \$18.58 billion to the Department of Justice and one related agency, as follows. The House approved \$19.6 billion for the Department of Justice (H.R. 2799).

- \$4.2 billion for the **Federal Prison System**, \$270.7 million less than the budget request.
- \$3.9 billion for the **Federal Bureau of Investigation**, \$708.8 million less than the budget request.
- \$2.6 billion for **Office of Justice Programs** (of which \$1.5 billion is for State and Local Law Enforcement), \$299.4 million more than the budget request. The Committee has followed the OMB’s budgeting format for OJP, as it has in the past, and not the formatting provided by the Department of Justice’s budget submission.
- \$1.5 billion for the **Drug Enforcement Administration**, \$46.5 million less than the budget request.
- \$1.5 billion for **U.S. Attorneys**, \$48.9 million less than the budget request.
- \$829.6 million for the **Bureau of Alcohol, Tobacco, Firearms, and Explosives**, \$22.4 million less than the budget request.

- \$656.6 million for the **Community Oriented Policing Services (“COPS”)** program, \$499.2 million more than the budget request. The Committee “is concerned by the Department of Justice’s continued attempts to diminish the ability of the [COPS] office to accomplish their mission.” The House allowance for this item is \$683.0 million.
- This Title includes separate funding of \$72.6 million for a related agency, the **Foreign Terrorist Tracking Task Force**, an “independent, inter-agency data fusion operation working in cooperation with the FBI ... charged with denying terrorists entry into the United States and locating, detaining, prosecuting, and deporting terrorists that have already entered the country.”

Title II — Department of Commerce and Related Agencies

The Committee bill provides \$6.37 billion to the Department of Commerce and related agencies, as follows:

- \$36.99 million for the **U.S. Trade Representative**, an amount identical to the budget request.
- \$58.3 million for the **International Trade Commission**, an amount identical to the budget request.
- \$372.1 million for the **International Trade Administration**, which is \$10.1 million below the budget request because the committee recommendation assumes \$3 million in off-setting fee collections instead of \$13 million.
- \$73.1 million for the **Bureau of Industry and Security**, an amount that is \$5.1 million below the budget request. The difference arose because the BIS sought to use \$4.68 million in prior-year unobligated balances as part of its ‘base’ operating budget for FY04. BIS also sought to restore \$434,000 from the 0.65 percent rescission contained in the FY03 Omnibus. The Committee disagreed with both budgetary maneuvers.
- \$387.7 million for the **Economic Development Administration**, \$23.3 million more than the budget request.
- \$28.7 million for the **Minority Business Development Agency**, the same as FY03 and \$769,000 below the budget request.
- \$84.8 million for **Economic and Statistical Analysis**, including the **Bureau for Economic Analysis** and the **Undersecretary for Economic Affairs**. This is the same as the budget request and 15 percent more than the FY03 enacted amount.

- \$550.9 million for the **Bureau of the Census**. Salaries and expenses for the agency are funded at a level of \$181.8 million. Both figures are the same as FY03 and \$111.1 million and \$39.1 million below the FY04 budget request, respectively.
- \$85.5 million for the **National Telecommunications and Information Administration**, \$64.14 million above the budget request. **Public Broadcasting Facilities** is funded at \$55 million. The **Technology Opportunities Program**, which the administration has targeted for elimination, is funded at \$15.5 million.
- The recommendation eliminates the appropriation for the **Technology Administration** and redistributes its functions to other organizations in Title II.
- \$845 million for the **National Institute of Standards and Technology (NIST)**, of which \$383.4 million is for **Scientific and Technical Research and Services**. The **Advanced Technology Program (ATP)** program is funded at \$259.6 million and the **Manufacturing Extension Partnership (MEP)** program is funded at \$106.6 million.
- \$1.2 billion for the **Patent and Trademark Office**.
- \$3.8 billion for the **National Oceanic & Atmospheric Administration (NOAA)** (\$440.5 million above the budget request), of which \$2.7 billion is for Operations, Research, and Facilities.

Title III — The Judiciary

The Committee bill recommends funding at the level of \$5.1 billion for the Judiciary; this amount is \$353.3 million below the President's request. The House approved \$5.2 billion for the Judiciary (H.R. 2799). The major spending categories include:

- \$4.8 billion for the **U.S. Courts of Appeals, District Courts, and other Judicial Services**, \$379.9 million less than the budget request but an increase of \$175.9 million over FY2003. The primary items decreased from the budget request include an additional \$294.3 million for salaries and expenses, \$40.1 million for federal defender services, and \$45.1 million for court security. The \$175.8 million in increases since FY2003 are primarily in salaries and expenses (\$117.0 million) and federal defender services (\$60.0 million).
- \$64.1 million for the **Supreme Court**, \$1.9 million more than the budget request.

Title IV — Department of State and Related Agency

The Committee bill recommends funding at the level of \$8.0 billion for the Department of State and related agencies; this amount is \$613.6 million below the President's request. The House approved \$7.9 billion for the State Department (H.R. 2799).

The major spending categories include:

- **\$6.0 billion for Administration of Foreign Affairs (AFA)**, the State Department's largest account. This includes \$594.4 million for worldwide security upgrades. The total recommendation is \$429.9 million below the President's request.
 - This recommendation includes \$2 million for the establishment and operation of an Office of Strategic Planning for Public Diplomacy (OSP/PD) and \$500,000 for the establishment of a Arab/Muslim Relations Coordinating Committee (ARCC), that will be housed within OSP/PD and will coordinate and evaluate the Department's public diplomacy efforts as they relate to Arab/Muslim countries.
- **\$255.3 million for Educational and Cultural Exchange Programs**, which is \$90.1 million below the budget request.
- **\$1.4 billion for Embassy Security, Construction, and Maintenance**, which is \$97.8 million below the budget request but a 12.8 percent increase over FY 2003 funding.
- **\$921.9 million for Contributions to International Organizations**, which is \$88.6 million below the budget request.
 - The Committee did not recommend nor include funding for the U.S. share of costs associated with the U.N. Human Rights Commission (approximately \$11.7 million) or for the United Nations Educational, Scientific, and Cultural Organization (UNESCO), which the Administration announced in 2002 that it would rejoin. (*Note: The House has included funding for UNESCO at the President's requested level, and Chairman Gregg has indicated his willingness to also fund the President's request for UNESCO*).
- **\$482.6 million for international peacekeeping activities**, which is \$67.6 million below the budget request. However, \$100 million in carryover is available in this account.
- **\$518.1 million for international broadcasting operations**, which is \$7 million below the budget request.

- This recommendation includes \$1 million for the Broadcasting Board of Governors (BBG) to develop a pilot program for the broadcast services to use Internet technologies to counter China's practice of Internet censorship. The Committee also recommends that Voice of America and Radio Free Europe continue to the broadcast services (at FY 2003 levels) to East and Central Europe.

Title V — Related Agencies

- **\$277.8 million for the Federal Communications Commission**, \$3 million below the budget request, of which \$252.0 million is to be derived from the collection of fees.
- **\$189.0 million for the Federal Trade Commission**, \$2.1 million below the budget request. This requires a direct appropriation of \$59.0 million, with the rest provided by off-setting fees.
- **\$841.5 million for the Securities and Exchange Commission**, identical to the budget request.
- **\$2 million for the U.S. Commission on International Religious Freedom** (\$1 million below the budget request); **\$1.6 million for Commission on Security and Cooperation in Europe** (identical to the budget request); **\$1.4 million for the Congressional-Executive Commission on the People's Republic of China** (\$400,000 less than the budget request); and **\$2 million for the U.S.-China Economic and Security Review Commission** (there was no appropriation in the FY 2003 budget).

Title VI — General Provisions

- Section 624 would also block the Federal Communications Commission from increasing its national television ownership limit. No funding would be permitted for any broadcast license transfer that would result in one company being able to reach more than 35 percent of homes.

Administration Position

No Statement of Administration Position (SAP) had been received, as of press time. The SAP released in relation to the House bill advised that chamber that if the final legislation presented to the President contained language creating a 35-percent national television ownership cap, the President's senior advisors would recommend that he veto the legislation.

Possible Amendments

Ensign. Motion to strike Section 626.

Additional amendments are possible.